

Notice of Allowability

Application No.

10/500,411

Examiner

Andrew B. Freistein

Applicant(s)

GALCERA CONTOUR ET AL.

Art Unit

1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 6/18/2007.
2. ☒ The allowed claim(s) is/are 1, 4 and 8 (now 1-3).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Art Unit: 1626

DETAILED ACTION

The amendment filed 05/22/2007 was entered. Claims 1, 4 and 8 are pending.
Claims 2, 3, 5-7 and 9-15 were cancelled.

Priority

This application is a 371 of PCT/FR02/04544, filed 12/24/2002.
Acknowledgement is made of Applicant's claim for foreign priority under 35 U.S.C. § 119(a)-(d), by France patent application 01/16889 filed on 12/27/2001 and France patent application 02/09415, filed 07/25/2002.

Double Patenting

(Pending) Claims 1-6 and 8 were provisionally rejected on the ground of nonstatutory double patenting over claim 14 of copending Application No. 10/562,949. This is a provisional double patenting rejection since the conflicting claims have not yet been patented. Because this is the only remaining rejection pending in the application, the rejection is withdrawn. See MPEP 804 I.B.1.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As a result of the amendment filed 05/22/2007, the rejection is withdrawn.

Claim Rejections - 35 USC § 102

(1) Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryu et al., "5-aryl amino-2-methyl-4,7-dioxobenzothiazoles as inhibitors of cyclin-dependent kinase 4 and cytotoxic agents," Bioorganic & Medicinal Chem. Letters, Vol. 10, Iss. 5, pp. 461-464 (2000). As a result of the amendment filed 05/22/2007, the rejections are withdrawn.

(2) Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryu et al., "Modulation of NAD(P)H:quinone oxidoreductase (NQO1) activity mediated by 5-aryl amino-2-methyl-4,7-dioxobenzothiazoles and their cytotoxic potential," Archives of Pharmacal Research, Vol. 23, Iss. 6, pp. 554-558 (2000). As a result of the amendment filed 05/22/2007, the rejections are withdrawn.

Telephone Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew B. Freistein whose telephone number is (571) 272-8515. The examiner can normally be reached Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

Art Unit: 1626

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Andrew B. Freistein
Patent Examiner, AU 1626

REBECCA ANDERSON
PATENT EXAMINER

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Joseph K. McKane
Supervisory Patent Examiner, AU 1626
Date: June 18, 2007